

IN THE STATE COURT OF FULTON COUNTY
 STATE OF GEORGIA

THOMAS WILLIAMS,)	
)	
Plaintiff,)	Civil Action File No.:
)	10ev011579D
)	
vs.)	
)	
MARLON TURNER; TSD)	
TRANSPORTATION, LP;)	
MAKWARDT LEASING CORP., and)	
XYZ CORPORATION,)	
)	
Defendants.)	

**ANSWER OF DEFENDANTS MARLON TURNER AND TSD
 TRANSPORTATION, LP**

COME NOW Marlon Turner and TSD Transportation, LP, Defendants in the
 above-styled civil action, and present this their Answer to the Complaint and show the
 Court as follows:

First Defense

There has been insufficiency of process and service of process over these
 Defendants.

Second Defense

Venue is improper over these Defendants in this Court.

Third Defense

Some or all of Plaintiff's claims may be barred by the expiration of the
 applicable statute of limitations.



Fourth Defense

The Complaint fails to state a claim against TSD Transportation, LP upon which relief may be granted by this Court.

Fifth Defense

At all times relevant to the matters complained of in the Complaint, these Defendants exercised that degree of skill and care required of them by law.

Sixth Defense

The sole and proximate cause of Plaintiff's alleged injuries and damages was Plaintiff's own negligence.

Seventh Defense

There is no causal connection between any alleged act or omission on the part of these Defendants and any injuries or damages claimed by Plaintiff.

Eighth Defense

The negligence of a person other than these Defendants was the sole and proximate cause of the Plaintiff's alleged injuries and damages.

Ninth Defense

Defendants respond to the numbered allegations of the Complaint and show the Court as follows:

1.

Defendants lack sufficient information to form a belief as to the truthfulness of the allegations of paragraph 1. Therefore, those allegations can neither be admitted nor denied at this time.

2.

Defendants deny the allegations of paragraphs 2 and 3 of the Complaint.

3.

Defendants lack sufficient information to form a belief as to the truthfulness of the allegations of paragraphs 4 and 5 of the Complaint, therefore, those allegations can neither be admitted nor denied at this time.

4.

Defendants deny the allegations of paragraphs 6 and 7 of the Complaint.

5.

Defendants lack sufficient information to form a belief as to the truthfulness of the allegations of paragraph 8 and 9 of the Complaint, therefore, those allegations can neither be admitted nor denied at this time.

6.

Defendants deny the allegations of paragraphs 10, 11 and 12.

7.

In response to the allegations of paragraphs 13 and 14 of the Complaint, Defendants show they lack sufficient information to form a belief as to the truthfulness

of the those paragraphs, therefore those can neither be admitted nor denied at this time. To the extent those allegations can be construed to allege negligence on the part of Defendant Turner, then those allegations are denied.

8.

Defendants deny the allegations of paragraphs 15 and 16 of the Complaint.

9.

In response to the allegations of paragraph 17, Defendants incorporate as if fully set forth herein their responses to paragraphs 1 through 16.

10.

Defendants deny the allegations of paragraphs 18 and 19 of the Complaint.

11.

Defendants deny each and every allegation of the Complaint not specifically responded to in the preceding paragraphs.

WHEREFORE, having fully responded to the Complaint, Defendants demand that they be dismissed with costs taxed against the Plaintiff. Defendants further demand a trial by jury of twelve persons.

This 13th day of January, 2011.

[Signatures Contained on Next Page.]

CARLOCK, COPELAND & STAIR, LLP

By: /s/ D. Gary Lovell, Jr.
D. GARY LOVELL, JR.
State Bar No.: 459389

Attorney for Defendants Marlon Turner and
TSD Transportation, LP

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285 Peachtree Center Avenue
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(404) 522-8220

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing pleading upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows:

David S. Eichholz, Esq.
The Eichholz Law Firm, P.C.
530 Stephenson Avenue, Suite 200
Savannah, GA 31405

This 13th day of January, 2011.

CARLOCK, COPELAND & STAIR, LLP

By: /s/ D. Gary Lovell, Jr.
D. GARY LOVELL, JR.
State Bar No.: 459389

Attorney for Defendants Marlon Turner and
TSD Transportation, LP

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